

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FLEXSCRIPTS ADMINISTRATORS, LLC,
Plaintiff,

v.

Case No. 13-C-0561

HERR FOODS INC.,
Defendant.

ORDER

Defendant Herr Foods Inc., has filed a notice of removal of a civil action from state court and asserts that federal jurisdiction exists under 28 U.S.C. § 1332 because the parties are diverse and the amount in controversy exceeds \$75,000. However, the notice of removal does not comply with Civil Local Rule 8, which provides as follows:

If a pleading or notice of removal asserts jurisdiction based on diversity of citizenship, the pleading or notice must identify the amount in controversy and the citizenship of each party to the litigation. If any party is a corporation, the pleading or notice must identify both the state of incorporation and the state in which the corporation has its principal place of business. If any party is an unincorporated association, limited liability company, or partnership, the pleading or notice must identify the citizenship of all members.

The plaintiff, Flexscripts Administrators, LLC, is a limited liability company, yet the notice of removal does not identify the citizenship of its members. Instead, the notice of removal alleges only that the plaintiff is organized under Wisconsin law and that its principal place of business is in Wisconsin. These allegations are irrelevant to the question of the plaintiff's citizenship. See, e.g., Wise v. Wachovia Sec., LLC, 450 F.3d 265, 267 (7th Cir. 2006) (citizenship of limited liability company is determined by the citizenship of its members).

Accordingly, **IT IS ORDERED** that the defendant file a statement within 10 days of the date of this order and show cause why this action should not be remanded to state court for lack of subject matter jurisdiction.

Dated at Milwaukee, Wisconsin, this 21st of May, 2013.

s/ Lynn Adelman

LYNN ADELMAN
District Judge